

United States District Court

for the
Western District of New York

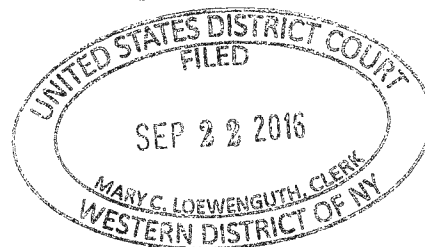
United States of America

v.

Case No. 16-M- 5117

ANDREW REINER

Defendant



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

Between on or about June 27, 2016, and on or about September 8, 2016, the exact dates being unknown, in the Western District of New York, the defendant, ANDREW REINER, using a facility and means of interstate and foreign commerce, that is, a cellular telephone and the internet, did knowingly persuade, induce, entice, and coerce, Victim 1, an individual who had not attained the age of 18 years, to engage in sexual activity for which any person could be charged with a criminal offense.

All in violation of Title 18, United States Code, Section 2422(b).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

A handwritten signature in black ink, appearing to read "Randy Garver".

Complainant's signature

Randy Garver, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: September 22, 2016

A handwritten signature in black ink, appearing to read "Michael J. Roemer".

Judge's signature

City and State: Buffalo, New York

Michael J. Roemer

United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, Randall E. Garver, being duly sworn, depose and state:

INTRODUCTION

1. I am a Special Agent of the Federal Bureau of Investigation and entered on duty in May 2006. I am currently assigned to the Buffalo Field Office and work on cases associated with the Violent Crimes Against Children program, which targets individuals involved in the online sexual exploitation of children. As part of these duties, I have become involved in the investigation of suspected violations of Title 18, United States Code, Sections 2251, 2252, 2252A, 2422, and 2423. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal child pornography laws in which computers are used as the means for receiving, transmitting, and storing child pornography.

2. I make this affidavit in support of a criminal complaint charging **ANDREW REINER** ("REINER"), with violating Title 18, United States Code, Sections 2422(b) [Sexual Enticement of a Minor].

3. The statements contained in this affidavit are based on my involvement in this investigation, as well as information provided to me by other law enforcement officers in this investigation, and upon my training and experience as a Task Force Officer of the Buffalo

FBI. Because this affidavit is being submitted for the limited purpose of seeking a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts necessary to establish probable cause to believe that REINER knowingly violated Title 18, United States Code, Section 2422(b).

PROBABLE CAUSE

4. In September 2016, the mother and grandparents of a 15 year old girl reported to the FBI's Child Exploitation Task Force that their respective daughter and granddaughter (hereinafter "Victim") was possibly the victim of the Sexual Enticement of a Minor, having met an adult on the application ("app") Skout. The mother brought Victim's Samsung tablet and Apple iPhone with her to the meeting and consented to the FBI searching both devices. Victim's mother told me the conversations were on the iPhone in the form of text messages. She told me she thought the man in contact with Victim was a 28 year old white male, and said there were two telephone numbers associated with the subject: (716) 880-9576, and (716) 290-0368. She further advised that the conversations in the phone were under the name "Rapunzel," (the name Victim saved that particular contact as) and she thought the man's first name was "Andy." Finally, Victim's mother said the subject used email address "redline321@aol.com" but said she was not sure about "321"- just that there were some numbers after "redline."

5. Following the above meeting, I searched both devices and upon inspecting the iPhone, I found a contact named "Rapunzel" associated with telephone number (716) 880-9576. I also found a conversation that took place over another communication app, called

Kik, wherein REINER and Victim exchanged email addresses to stay in contact after Victim's mother cancelled her phone service. In that message, REINER, using Kik username racer66, provided Victim his email address: redline3251@aol.com.

6. On or about September 8, 2016, the FBI served an administrative subpoena on Sprint requesting subscriber information for telephone number (716) 290-0368. On the same day, Sprint informed the FBI that the number is subscribed to by ANDREW REINER at the same address on file with the New York State Department of Motor Vehicles. On or about September 8, 2016, the FBI served an administrative subpoena on T-Mobile requesting subscriber information for telephone number (716) 880-9576. On September 21, 2016, officials with T-Mobile informed me that the phone is subscribed to by L.F.G., [street address redacted], Buffalo, New York. However, I believe REINER used the phone during this investigation. An FBI intelligence analyst informed me that L.F.G. and REINER were both associated with an address in Buffalo from 2007 until 2013. Further, databases show that during 2012, both L.F.G. and REINER were associated with an address in Cheektowaga that is REINER's current address (according to DMV, his vehicles are registered to this residence). Also on or about September 9, 2016, the FBI served an administrative subpoena on America Online requesting subscriber records associated with email account redline3251@aol.com. On September 21, 2016, officials with America Online provided the response to the administrative subpoena. The FBI learned that email account redline3251@aol.com is subscribed to under name "SAM GR," and the account has been active since February 2013. Also on the return, the phone number is a series of 15 digits, and the zip code on the account is associated with Rochester, New York. On or about September 9, 2016, the FBI served an

administrative subpoena on Kik requesting subscriber records associated with username racer66. On or about September 13, 2016, Kik provided records that showed username racer66 is associated with email address redline3251@aol.com.

7. As part of my investigation, I reviewed an October 16, 2015, complaint made to law enforcement regarding a “suspicious person” in a vehicle. From reviewing the complaint, it appeared as though a vehicle bearing New York license plate GZB 1768, registered to REINER at his Cheektowaga residence, was reported as suspicious as it sat outside the home of a minor girl, who I know was 17 at the time. The complaint’s notes show “parents picked up [TRUE NAME] who they thought was attending a school function – parents do not want her around Andrew.” The report then showed the DMV information associated with the license plate observed –REINER at his Cheektowaga address. The minor female captioned here is later referred to as “Identified Woman” in this affidavit and is still associated with REINER.

8. As part of my investigation, I reviewed numerous text messages that I obtained from the Victim’s cell phone. These messages took place with REINER, using (716) 880-9576, and the user of (716) 290-0368, who I believe is an identified 18 year old woman (hereinafter “Identified Woman”) associated with REINER. The below paragraphs summarize the text message conversations between Victim and REINER, as well as Victim and “Identified Woman.”

9. On or about June 27, 2016, the text message conversation began with REINER writing to Victim, "O I stay in cheektowaga," which I note is where REINER resides. REINER asked Victim, "Lol do u work go too school have any kids do u drive," and Victim replied, "Lol no I have no kids I don't drive yet and I go to school wby." REINER informed Victim he had two children and that he was a store manager who worked a lot (this portion of the conversation was time stamped June 28, 2016). On or about June 28, 2016, REINER asked Victim for pictures of "all of u" on at least two occasions before asking "U wanna meet up"? Later on June 28, 2016, REINER asked Victim to meet him for dinner, offering to take her anywhere she would like to go. When Victim did not wish to meet REINER for dinner he text her, "Am I too old for u...have u dated older men before"? When discussing cars, REINER sent Victim a picture of a "2011 Hyundai Sonata Limited Edition," which was taken from a website where the car was advertised for sale. REINER wrote Victim, "this is the car I have now," referring to the Hyundai Sonata. I note this because, according to NY DMV records, REINER has a 2011 Hyundai Sonata registered to him. When the two discussed marriage, REINER wrote, "I have too warn you if we get married be ready for lots of sex lmao pepare your vagina...O and i love eating pussy u gonna spend a lot of night screaming pilling me hair and cuming again and again." Victim asked, "why lol" and REINER replied, "Lol I love pleasing my woman I love making u scream and letting u get all the pleasure for once...and if u give me head it's about me but if I eat ur pussy it's all about u...now I'm horny thinking about eating u out." Victim replied, "...stop thinking about it," to which REINER wrote, "Lol I can't now I'm over hard as ever wishing u was over here sitting on my face...send a pic."

10. On or about June 29, 2016, REINER wrote Victim, "let me come steal a kiss"; Victim replied, "so all I have to do is let you come here kiss me then you would tell me then leave." REINER wrote back, "yes hun...a real kiss tho not just a lil peck."

11. On or about June 30, 2016, the two discussed meeting each other in Delaware Park, near Victim's home. From the messages, it is apparent that the two met in the park - the messages indicated specific locations and the Victim having walked her dog to the park as a reason to go to go. Following the meet, REINER wrote, "I wish u was here with me still I like u." Victim replied, "why didn't you say it to my face lol." REINER wrote Victim, "I can't stop thinking about making love too u." REINER continued, "it's the type of sex it's slow and more romantic then me just fuckin ur brains out...how do u like it." Victim replied, "Lol I haven't done either." Victim wrote REINER that she was a virgin and had only kissed another person. REINER replied, "I wanna take ur virginity...do u want me to take it...when do u wanna do it"?

12. On or about July 1, 2016, Victim wrote REINER, "so are you going to tell me ur name, and REINER replied, "Andywatsurs" [Andy, what's yours"]. On or about July 2, 2016, Victim wrote REINER that she will refer to him as Rapunzel since he reminds Victim of that character. On the same day, Victim wrote REINER, "My name is real my height is real everything but my age and I feel bad about lying to you I do like you but idk [I don't know]." REINER asked, "how old r u" and Victim replied, "16 pretty much jail bait." REINER asked, "so u were gonna let me make love too u knowing u were 16?" and Victim

answered, “no lol that’s why it didn’t happen.” REINER then asked, “O ok so u didn’t want me to take ur virginity.” The two then seemed to agree to be friends only.

13. The same day, Victim received the following text, from the same number (716-880-9576) – “Hi in case u have been talking to this asshole he have a gf already and she is pregnant for him u better back the hell off whore...he might have two boys but he got another baby girl coming his way, he will promise u marriage but all he will do is destroy ur life the way he did to me...I’m just warning you.” Victim told the unknown girl she would back off and the girl asked if Victim wanted to text on her number, and provided: (716) 290-0368 (which is subscribed to by ANDREW REINER).

14. On or about July 3, 2016, Identified Woman (note: the FBI has not interviewed Identified Woman because it may compromise this investigation) wrote Victim and explained that REINER was always coming home to her late and claims he was visiting one of his sons. Identified Woman then sent Victim screenshots, purported to be REINER’s conversation with a third, unknown girl, wherein he claimed to have been “knocked out that pussy had me knocked out” – a follow on screen shot appeared to show that the unknown girl REINER had sex with was a minor – “Dam u just turned 16.” Identified Woman wrote Victim, “he had sex with a girl that just turned 16 and he is 28.” Victim wrote Identified Woman, “the whole thing seemed weird honestly he was always in his car.” Identified Woman replied, “he always fuck girls in his car.” Identified Woman wrote that she met REINER on Skout and that he always asked for pictures of her. The girlfriend also told Victim that REINER still lived with his father and also told Victim that she (Identified Woman) is 18 now and that REINER

actually has four kids. Finally, Identified Woman provided Victim with her true first name and a photograph of her with REINER at Identified Woman's high school graduation.

15. On or about July 4, 2016, REINER and Victim discussed the text conversation ongoing with Identified Woman and Victim. REINER told Victim to tell Identified Woman that she (Victim) stopped talking to REINER. REINER also told Victim that he worked the following day from 9 am to 2 pm at Canisius College. That evening, REINER asked Victim to meet him and asked her to sneak out of her mom's house. Victim explained that her sister was awake, so REINER wrote, "send me a dirty pic then." Victim wrote, "so you wanted to meet me when you were horny how did you expect that to turn out," to which REINER replied, "how did u want it too go???...do u wanna make love." Victim replied, "I don't think it's a good idea...you could get arrested...that doesn't worry you." REINER replied, "as long as u don't say anything il be fine...so it's up too u u decide my fate...we just got keep it on the low." Victim replied, "we could," and REINER asked, "is that ur decision." Victim then asked, "why do u want sex with a minor anyway and yea." REINER replied, "if u would of told me that u were 16 in the beginning I wouldn't of caught feelings but I did and I can't help it." Victim replied, "we can do it why not," and REINER replied, "Ok u promise not too put me on jail...next I see u we making love."

16. On or about July 5, 2016, the two discussed how they may possibly meet up. It was determined Victim would have to sneak out in the evening. That evening, Victim wrote that her mother was going to bed and REINER asked, "so u gonna sneak out...I was wondering if u wanted me too take ur virginity tonight...I have my truck and we could do it

in there hun.” The two exchanged multiple texts waiting for Victim’s mother to fall asleep before Victim could sneak out. Eventually, REINER fell asleep and it appeared from the text they did not meet.

17. On or about July 6, 2016, REINER asked, “wat time u wanna meet up tonight” and Victim suggested 11:30 pm. REINER then asked, “did u get ur period...just wondering cuz I wanna make love to u.” REINER then wrote, “I’m naked right now,” to which Victim replied “Ew lol.” REINER then wrote, “...u gonna see it tonight anyways sweetheart...when we make love tonight how do u want it do u want me to take it slow or u want me to go fast and hard.” Victim replied, “Uhhh...Idk,” to which REINER replied, “Ok well Il take it slow at first too see if u can handle it.” Later, Victim wrote to inform REINER that her mom was asleep and he asked when and where he could meet Victim. REINER wrote, “u nervous about losing ur virginity” before asking for Victim’s address. Victim again sent her address and REINER replied, “Il text u when I get thete...I’m here.” Victim then asked, “where are we doing it at I forgot to ask.” REINER replied, “in the truck.” Victim replied that it had to be fast because her sister may notice her absence before writing, “I’m guessing ur at the end of the street.” REINER replied, “I’m in a red tryck”; I note that REINER has a 2002 Nissan X-Terra registered to him, though DMV records indicate it is black in color. Later, at approximately 1:00 am on July 7, Victim sent a text that read, “I got away with it...it hurts to walk if I’m honest...ur dick was to much for me lol.” The two then discussed Victim having a “hicky” on her neck, and wrote, “I’m on cloud 9 lol...ur dick lol amazing.” REINER replied, “well I’m glad you enjoyed it...I’m surprised u wanted me to take ur virginity.” REINER wrote, “I’m still horny” and Victim replied, “I’m sorry...next time you can finish it just hurt to much...and I see you don’t wear condoms lol I didn’t mind today but next time

you need one.” REINER replied, “yes ur pussy feels amazing.” Victim replied, “I don’t want to catch something or get pregnant.” REINER then wrote, “First off I’m clean and I didn’t nut in u why u think I kept pulling out.”

18. On or about July 8, 2016, REINER wrote Victim, “do u wanna have sex tonight” and Victim wrote, “...sure I guess so.” REINER replied, “Ok I want u too cum all over my dick...will u give me head.” Victim replied that she would not and REINER wrote, “I wanna eat u out...it will feel good.” Victim replied she did not like the idea of REINER’s “face there.” Later, after waiting for her mother to fall asleep, from the text messages, it is apparent that the two again met up and had sexual intercourse. REINER asked Victim if she had an orgasm and she replied, “I don’t think so;” REINER then wrote, “well next time I’m not stopping til u cum.” On July 9, 2016, Victim wrote REINER, “we only had sex twice,” confirming the intercourse asserted herein.

19. On or about July 10, 2016, REINER wrote Victim, “I want ur pussy, “ and she replied, “maybe next time I see you.” REINER then wrote, “...u love the dick...it’s ok I love the pussy...I want u on top.” When asked why, REINER replied, “cuz I want u too ride my dick...and I wanna hit it from the back.” REINER wrote, “...I wanna have a three some” and Victim replied, “well you better find someone to do it with.” REINER asked, “u don’t have any friend that would be down.” Victim replied her friends were virgins and REINER wrote, “ask urs friends if they wanna lose there virginity and have a threesome.”

20. On or about July 13, 2016, Victim wrote, "goodnight Andrew." On or about July 16, 2016, REINER wrote Victim, "u wanna eat this dick later," to which Victim replied, "maybe." REINER then wrote, "I wanna eat ur pussy," to which Victim replied, "I'll think about that." REINER replied, "U gonna give me head yayyy." Victim then wrote, "I'll attempt," and REINER replied, "I want to eat ur pussy ur gonna love it...we can try it and see if u like it." Victim told REINER that she had not yet had an orgasm with him and he wrote, "Lol well I got u tonight...I'm gonna make u cum...I'm not stopping till u cum."

21. On or about July 17, 2016, Victim wrote REINER, "it worries me a bit that ur comfortable with this situation." REINER asked, "wat situation" to which Victim replied, "what were doing." REINER wrote back that their situation was being in love, to which Victim replied, "with a teenager." REINER wrote back that he felt Victim was mature but "if u wanna break up we can I know ur young." REINER asked, "So can I cum c u" and Victim replied, "Andrew you realize I live with my mom and sibling." REINER wrote, "I wanna fuck." Later in the evening, Victim wrote that her mom was asleep. REINER asked, "Lol OK u wanna meet up" and Victim replied "Yes." They agreed to meet in the "same spot as last time." REINER advised he was "see me I'm right outside ur house." In a text sent on or about July 18, 2016, Victim wrote, "I'm in the clear," and REINER replied "Yayyy." Victim wrote, "Goodnight Andrew I love you." REINER replied, "did I wear that pussy out". Victim wrote, "yes it's very tired," and when asked if she had an orgasm, Victim answered, "I don't know honestly I think so."

22. On or about July 21, 2016, REINER wrote Victim, "ur pussy taste Good." Victim told REINER, "it can't happen for awhile" and explained that she had her period, to which REINER replied, "Lol u can give me head." The conversation ended when Victim wrote "goodnight Andy."

23. On or about July 26, 2016, REINER wrote Victim, "I wanna fuck u" – Victim explained that sex was a lot of work for her but that her mom would be asleep soon. Victim also expressed that she thought the two only meet when REINER wanted to have sex. Victim later advised that her mother was asleep and REINER asked, "U want me too Cum get u" and Victim replied, "Lol yea." Later REINER wrote, "I'm here." Victim later sent a message on or about July 27, 2016, that stated, "I got away with it...I feel weird." REINER asked, "so how was the sex."

24. On or about July 28, 2016, Victim wrote REINER, "this is my last month talking to you because my mom is cutting off my phone I just wanted to put that out there." On or about July 29, 2016, Victim wrote REINER, "I really need to talk to you like in person...it's urgent." REINER asked, "wats wrong" to which Victim wrote, "Ur sick Andrew like medically...you gave me a std...like wtf...Meet me at 1am tonight." Victim wrote the specific sexually transmitted disease she believed she had and told REINER he was the only individual she had any sexual contact with.

25. On or about September 14, 2016, Victim's grandfather called the FBI and advised that he believed REINER was recorded on his home's video surveillance system on

September 1, and September 8, 2016 – both days that Victim was at his home. He further knew that his daughter had called REINER (at 716-880-9576) several times while Victim was at his home. On September 17, 2016, the writer, accompanied by a Forensic Examiner from the Regional

26. Computer Forensics Laboratory went to the grandfather's home. The Examiner made a forensic copy of these selected time frames wherein the suspected individual was recorded. I submit that the individual recorded by the grandfather's home surveillance system on both September 1, 2016 and September 8, 2016 are consistent with the image that the DMV retains of REINER. Simply put, it shows that as of September 8, 2016, REINER was still attempting to contact Victim.

27. On or about September 20, 2016, Victim submitted to a forensic interview at the Child Advocacy Center in Buffalo. During the interview, she said she knew "Andrew" as a man in his late 20s and said they had sexual intercourse on two occasions. Victim advised she informed REINER she was a minor before any sexual act occurred between the two.

28. On or about September 21, I met with Victim. During the meeting, I presented Victim with a six photo array. Victim positively identified REINER out of the photo array as the individual she had been messaging and having sexual relations with. She called him "Andy."

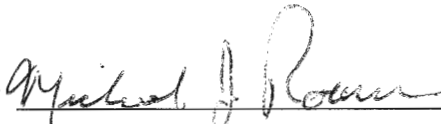
Based upon the foregoing, I respectfully submit that I have probable cause to believe that **REINER** has violated Title 18, United States Code, Sections 2422(b).



RANDALL E. GARVER, Special Agent
Federal Bureau of Investigation

Sworn to before me this 22nd

day of September, 2016.



MICHAEL J. ROEMER
United States Magistrate Judge